

## § 2.62

result in the suspension or revocation of the permit.

### § 2.62 Memorialization.

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent.

(c) Failure to abide by area designations and established conditions is prohibited.

(d) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

## PART 3—BOATING AND WATER USE ACTIVITIES

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AUTHORITY: 16 U.S.C. 1, 1a-2(h), 3.

SOURCE: 48 FR 30290, June 30, 1983, unless otherwise noted.

### § 3.1 Applicable regulations.

(a) In addition to the regulations contained in this part, title 14 United States Code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, and the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern water use, vessels, and their operation and are adopted as a part of these regulations.

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(b) As adopted herein, Federal regulations authorizing an action by the “captain of the port” or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.

### § 3.2 National Park Service distinctive identification.

(a) The distinctive identification insignia of National Park Service vessels shall consist of the following:

(1) Three adjacent diagonal stripes running from the waterline to the gunwale on both port and starboard topsides approximately one-quarter of the length from the bow. The stripes are set at an angle of 30° from the vertical, approximately parallel to the bow. The insignia consists of a broad forest green stripe followed by one narrow white and one narrow forest green stripe. Width of the broad green stripe shall be  $\frac{1}{2}$  the vertical distance between gunwale and waterline. The narrow white and green stripes are 8% and 11% the width of the main green stripe respectively.

(2) The National Park Service arrowhead symbol, described in 36 CFR part 11, centered within the broad green diagonal stripe.

(3) The words “National Park Service” in contrasting color to vessel hull and utilized in place of State identification/registration numbers on the bow.

(b) Displaying identifying markings identical to or resembling those prescribed for National Park Service vessels is prohibited.

### § 3.3 Permits.

The superintendent may require a permit for use of a vessel within a park area in accordance with the criteria and procedures of § 1.6 of this chapter.

[51 FR 29470, Aug. 18, 1986]

### § 3.4 Accidents.

(a) All incidents involving an accident, collision, fire injury or other casualty shall be reported to the superintendent within 24 hours. Filing this report does not satisfy applicable United States Coast Guard, State and county accident report requirements.

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(b) Failure to report an incident to the superintendent as soon as possible is prohibited.

### § 3.5 Inspections.

(a) Authorized persons may at any time stop or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.

(b) An authorized person who observes a vessel being operated without sufficient lifesaving or firefighting devices, or in an overloaded or unsafe condition, as defined in United States Coast Guard or National Park Service regulations, may direct the operator to take immediate and reasonable steps necessary for the safety of those aboard the vessel, including but not limited to directing the operator to:

(1) Correct the hazardous condition immediately;

(2) Proceed to a mooring, dock, or anchorage; or

(3) Suspend further use of the boat until the hazardous condition is corrected.

(c) Violation of directions issued in accordance with paragraph (b) of this section is prohibited.

### § 3.6 Prohibited operations.

The following are prohibited:

(a) Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger a person or property.

(b) Operating a vessel when under the influence of alcohol or controlled substance to a degree that may endanger oneself or another person or damage property or park resources.

(c) Failing to observe restrictions established by a regulatory marker.

(d) Operating a vessel in excess of 5 mph or creating a wake:

(1) In areas so designated; or

(2) Within 100 feet of a diver's marker, downed water skier or swimmer.

(e) Operating a vessel not propelled by hand within 500 feet of a location designated as a swimming beach. This prohibition does not apply in locations such as rivers, channels, or narrow

coves where passage is restricted to less than 500 feet. In such restrictive locations, the operation of a vessel in excess of 5 mph or creating a wake is prohibited.

(f) Allowing a person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery, operating in excess of 5 mph; *Provided, however,* That this provision shall not apply under the following circumstances:

(1) When that portion of the vessel was designed and constructed for the purpose of carrying passengers safely at all speeds,

(2) When the vessel is being maneuvered for anchoring, mooring or casting off moorings.

(g) Attaching a vessel to or interfering with a marker, navigation buoy or other navigational aid.

(h) Using trailers to launch or recover vessels, except at designated launching sites.

(i) Launching a vessel propelled by machinery at other than designated launch sites.

(j) Operating a vessel propelled by machinery on waters not directly accessible by road.

(k) Launching or operating airboats.

(l) Operating a vessel in excess of designated size, length or width restrictions.

### § 3.7 Noise abatement.

Operating a vessel in or upon inland waters so as to exceed a noise level of 82 decibels measured at a distance of 82 feet (25 meters) from the vessel is prohibited. Testing procedures employed to determine such noise levels shall be in accordance with or equal to the Exterior Sound Level Measurement Procedure for Vessels recommended by the Society of Automotive Engineers SAE-J34a (Revised April, 1977).

### § 3.20 Water skiing.

(a) The towing of persons by vessels is prohibited, except in designated waters.

(b) Where towing is authorized, the following are prohibited:

(1) Towing between the hours of sunset and sunrise.

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(2) Towing without one person (other than the operator) observing the progress of the person being towed.

(3) Towing a person who is not wearing a personal flotation device. If the person being towed is wearing a flotation device not approved by the United States Coast Guard, there must be an approved personal flotation device readily available in the towing vessel.

(4) Towing or being towed in channels or within 500 feet of areas designated as harbors, swimming beaches, or mooring areas, or within 100 feet of a person fishing or swimming, or a diver's marker.

### § 3.21 Swimming and bathing.

(a) The following are prohibited:

(1) Swimming or bathing in locations designated as closed.

(2) Swimming or bathing in violation of designated restrictions.

(3) Swimming from vessels which are underway, except in circumstances where a capable operator is on board and all propulsion machinery is off and/or sails are furled.

(b) The superintendent may prohibit the use of flotation devices, glass containers, kites, or incompatible sporting activities within locations designated as swimming beaches.

### § 3.22 Surfing.

The use of surfboards and similar rigid devices within locations des-

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ignated as swimming beaches is prohibited.

### § 3.23 SCUBA and snorkeling.

The following are prohibited:

(a) SCUBA diving and snorkeling within locations designated as swimming, docking, or mooring areas, except in accordance with conditions which may be established by the superintendent.

(b) Diving in waters open to the use of vessels, other than those propelled by hand, without displaying a standard diver flag.

### § 3.24 Regulation of personal watercraft (PWC).

(a) *Is personal watercraft (PWC) use prohibited in units of the National Park System?* Yes, the use of personal watercraft in units of the National Park System is prohibited, except in designated areas.

(b) *How will the National Park Service designate areas for PWC use?* We will designate areas for personal watercraft through the FEDERAL REGISTER, using special regulations, except for the park areas identified in the following Table 1, where personal watercraft use may be designated using the criteria and procedures of §§1.5 and 1.7 of this chapter:

TABLE 1—PARK DESIGNATED PWC USE

Name	Water type	State
Amistad National Recreation Area .....	Impounded Lake .....	TX
Bighorn Canyon National Recreation Area .....	Impounded Lake .....	MT
Chickasaw National Recreation Area .....	Impounded Lake .....	OK
Curecanti National Recreation Area .....	Impounded Lake .....	CO
Gateway National Recreation Area .....	Open Ocean/Bay .....	NY
Glen Canyon National Recreation Area .....	Impounded Lake .....	AZ/UT
Lake Mead National Recreation Area .....	Impounded Lake .....	AZ/NV
Lake Meredith National Recreation Area .....	Impounded Lake .....	TX
Lake Roosevelt National Recreation Area .....	Impounded Lake .....	WA
Whiskeytown-Shasta-Trinity National Recreation Area .....	Impounded Lake .....	CA

(c) *How does the grace period apply?* For the park areas identified in Tables 1 and 2 of this section, this section provides a two-year grace period (April 20, 2000 to April 22, 2002) from the require-

ments of this section. During the grace period no authorizing administrative action is needed to allow PWCs to continue to operate in the park areas identified in this section. Table 2 follows:

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TABLE 2—SPECIAL REGULATION PWC USE

Name	Water type	State
I. National Seashores:		
Assateague Island National Seashore .....	Open Ocean/Bay .....	MD/VA
Cape Cod National Seashore .....	Open Ocean/Bay .....	MA
Cape Lookout National Seashore .....	Open Ocean/Bay .....	NC
Cumberland Island National Seashore .....	Open Ocean/Bay .....	GA
Fire Island National Seashore .....	Open Ocean/Bay .....	NY
Gulf Islands National Seashore .....	Open Ocean/Bay .....	FL/MS
Padre Island National Seashore .....	Open Ocean/Bay .....	TX
II. National Lakeshores:		
Indiana Dunes National Lakeshore .....	Natural Lake .....	IN
Pictured Rocks National Lakeshore .....	Natural Lake .....	MI
III. National Recreation Area: Delaware Water Gap National Recreation Area .....	River .....	PA/NJ
IV. National Preserve: Big Thicket National Preserve .....	River .....	TX

[65 FR 15089, Mar. 21, 2000]

## PART 4—VEHICLES AND TRAFFIC SAFETY

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- 4.23 Operating under the influence of alcohol or drugs.
- 4.30 Bicycles.
- 4.31 Hitchhiking.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 52 FR 10683, Apr. 2, 1987, unless otherwise noted.

### § 4.1 Applicability and scope.

The applicability of the regulations in this part is described in § 1.2 of this chapter. The regulations in this part also apply, regardless of land ownership, on all roadways and parking areas within a park area that are open to public traffic and that are under the legislative jurisdiction of the United States.

### § 4.2 State law applicable.

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is

adopted and made a part of the regulations in this part.

(b) Violating a provision of State law is prohibited.

### § 4.3 Authorized emergency vehicles.

(a) The operator of an authorized emergency vehicle, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law, may:

- (1) Disregard traffic control devices;
- (2) Exceed the speed limit; and
- (3) Obstruct traffic.

(b) The provisions of paragraph (a) of this section do not relieve the operator from the duty to operate with due regard for the safety of persons and property.

### § 4.4 Report of motor vehicle accident.

(a) The operator of a motor vehicle involved in an accident resulting in property damage, personal injury or death shall report the accident to the superintendent as soon as practicable, but within 24 hours of the accident. If the operator is physically incapable of reporting the accident, an occupant of the vehicle shall report the accident to the superintendent.

(b) A person shall not tow or move a vehicle that has been involved in an accident without first notifying the superintendent unless the position of the vehicle constitutes a hazard or prior notification is not practicable, in which case notification shall be made before the vehicle is removed from the park area.